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EXAMINER

WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,848

Applicant(s)

DODRILL ET AL.

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on June 3, 2003. Claims 5, 21, 22, 32, 40 and 41 have been amended.
2. Claims 1-41 remain pending in the application.

Drawings

3. The corrected or substitute drawings were received on June 3, 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the data store" in line 3. There is insufficient antecedent basis for this limitation in the claim. In order to clarify the claim language, should "the data store" read --the *message* store--?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5-7, 9, 11-14, 20-23, 27-29, 32-34, 36, and 38-40 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,301,609 to Aravamudan et al

(hereinafter "Aravamudan").

In considering claims 1 and 28, Aravamudan discloses a method in an application server and a computer readable medium for initiating inter-process communication between non-persistent application sessions (column 2, lines 25-31), comprising:

determining whether a second party is available to receive a message established in an application session of a first party (column 8, lines 51-55); and

based on the determined availability of the second party, generating a HTML page having instructions for a browser to notify the second party of a new application session for the second party so as to present the message to the second party (column 9, lines 10-15).

In considering claims 2 and 29, Aravamudan discloses wherein the generating step includes inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party to create the new application session for the second party (column 11, lines 24-32).

In considering claims 5, 22, 32 and 41, Aravamudan discloses wherein the HTML page includes a prompt enabling the second party to respond to the message (column 9, lines 14-15).

In considering claims 6, 14, 23, 27 and 33, Aravamudan discloses wherein the determining step includes accessing a registry locally accessible by the application server, and the method further including updating the registry to indicate that the first party is available for messaging operations (column 7, lines 17-20).

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In considering claims 7 and 34, Aravamudan further discloses storing the message in a data store of the second party (column 10, line 44).

In considering claims 9 and 36, Aravamudan further including accessing attribute information of the second party to determine whether the second party authorizes receipt of the message from the first party (column 9, lines 50-52 and column 11, lines 3-7).

In considering claims 11 and 38, Aravamudan further discloses wherein the message is a voice message (column 8, lines 44-45) and the HTML page includes instructions for playing the voice message (column 8, line 67 – column 9, lines 1-3).

In considering claim 12, Aravamudan discloses a method for inter-process communication between non-persistent application instances (column 2, lines 25-31) the method comprising:

establishing a first non-persistent application instance serving a first party (column 8, lines 35-40; Note that it is inherent that the ‘important event’ was sent by a first party establishing a first non-persistent application instance.);

establishing a second non-persistent application instance serving a second party (column 6, lines 33-39); and

generating, in the first application instance, an HTML page having instructions for a persistent browser instance, having received the HTML page, to initiate a new application session for the second party (column 9, lines 10-15).

In considering claim 13, Aravamudan further discloses accessing, by at least one of the first and second application instances, a common resource over an IP network (Fig. 1, “160”).

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In considering claim 20, Aravamudan discloses an application server configured for executing a messaging application the application server including:

an application runtime environment configured for dynamically generating, for a first party, a hypertext markup language (HTML) document having instructions for a browser to notify a second party of a new application session for the second party (column 9, lines 10-15), based on a determination that the second party is available to receive the HTML document (column 8, lines 51-55), the application runtime environment being configured to access a common resource containing information regarding both the first and second parties (Fig. 1, "160").

In considering claim 21, Aravamudan discloses wherein the HTML page has instructions to interrupt a present application session of the second party to create the new application session for the second party (column 9, lines 10-15).

In considering claim 39, Aravamudan discloses an application server configured for executing a messaging application the application server including:

means for dynamically generating, for a first party, a hypertext markup language (HTML) document having instructions for a browser to notify a second party of a new application session for the second party (column 9, lines 10-15) so as to present a message from the first party to the second party, based on a determination that the second party is available to receive the message (column 8, lines 51-55).

In considering claim 40, Aravamudan discloses wherein the HTML page has instructions to interrupt a present application session of the second party to create the new application session for the second party (column 9, lines 10-15).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 17, 19, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan in view of U.S. Patent No. 5,974,449 to Chang et al. (hereinafter "Chang").

Although the system disclosed by Aravamudan shows substantial features of the claimed invention, as discussed above, it fails to disclose the following limitations:

In considering claims 3 and 30, Aravamudan fails to disclose *generating a new session identifier that specifies the new application session for the second party, wherein the URL includes the new session identifier for interrupting a present session of the second party with the new application session*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Chang.

In an analogous art, Chang discloses receiving messages in different formats for reception by a messaging interface having a destination address corresponding to an intended recipient comprising generating a new session identifier that specifies the new application session for the second party, wherein the URL includes the new session identifier for interrupting a present session of the second party with the new application session (column 8, lines 49-62). Given the teaching of Chang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aravamudan by employing the well known feature of generating a session identifier and wherein the session identifier is included in

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the URL, such as disclosed by Chang, in order to provide means to return to a particular session in the future.

In considering claims 4, 19 and 31, Aravamudan fails to disclose *initiating an application instance for execution of the new application session for the second party based on a server-side data record configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the URL from the browser*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Chang.

In an analogous art, Chang discloses receiving messages in different formats for reception by a messaging interface having a destination address corresponding to an intended recipient comprising initiating an application instance for execution of the new application session for the second party based on a server-side data record configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the URL from the browser (column 8, lines 63-37 and column 9, lines 1-3). Given the teaching of Chang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aravamudan by employing this well known feature of selection based upon a session identifier, such as disclosed by Chang, in order to ensure that the correct application session is being selected.

In considering claim 17, Aravamudan fails to explicitly disclose *wherein the first application instance is established in first application server and the second application instance is established in a second application server*. Nonetheless, this feature is well known in the art

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and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Chang.

In an analogous art, Chang discloses receiving messages in different formats for reception by a messaging interface having a destination address corresponding to an intended recipient wherein the first application instance is established in first application server and the second application instance is established in a second application server (column 4, lines 25-55). Given the teaching of Chang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aravamudan by employing this well known feature of separate application servers, such as disclosed by Chang, in order to reduce the load of each server.

10. Claims 8, 10, 15, 16, 25, 26, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan in view of U.S. Patent No. 6,374,292 to Srivastava et al. (hereinafter "Srivastava").

Although the system disclosed by Aravamudan shows substantial features of the claimed invention, as discussed above, it fails to disclose the following limitations:

In considering claims 8, 16, 26 and 35, Aravamudan fails to disclose *wherein storing of the message is performed in accordance with IMAP protocol*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Srivastava.

In an analogous art, Srivastava discloses a client/server communication system, and more particularly to a mail server included in an electronic mail system for use within a client/server data processing system wherein storing of the message (electronic mail) is performed in

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accordance with IMAP protocol (column 4, lines 48-49). Given this teaching of Srivastava, a person having ordinary skill in the art would have readily recognized the desirability of modifying Aravamudan by employing the well known or conventional feature of IMAP protocol, such as disclosed by Srivastava, in order to provide flexible and easy access to messaging.

In considering claims 10, 15, 25 and 37, Aravamudan fails to disclose *accessing a database server according to LDAP protocol*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Srivastava.

In an analogous art, Srivastava discloses a client/server communication system, and more particularly to a mail server included in an electronic mail system for use within a client/server data processing system wherein accessing of the database is in accordance with LDAP protocol (column 7, lines 31-35). Given this teaching of Srivastava, a person having ordinary skill in the art would have readily recognized the desirability of modifying Aravamudan by employing the well known or conventional feature of LDAP protocol, such as disclosed by Srivastava, in order to provide flexible and simple updating and searching of directories running over TCP/IP.

11. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan.

In considering claims 18 and 24, Aravamudan fails to *disclose wherein the common resource is accessible via an application programming interface (API)*. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Aravamudan. A person having ordinary skill in the art would have readily recognized the advantages of modifying Aravamudan by employing the well known feature of an application

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programming interface (API) in order to efficiently direct the performance of procedures by the operating system of the computer.

Response to Arguments

12. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,212,548 to DeSimone et al.

U.S. Patent No. 6,496,851 to Morris et al.

14. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mareisha N. Winters *mnw*

Patent Examiner

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July 22, 2003



Dung C. Dinh
Primary Examiner